

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**SHARONNA CURNELL,**

**Plaintiff,**

**v.**

**TRAVELERS PERSONAL  
INSURANCE COMPANY,**

**Defendant.**

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**CIVIL ACTION FILE NO.:**

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**NOTICE OF REMOVAL**

COME NOW, Travelers Personal Insurance Company, Defendant in the above-styled action, and petitions for removal of the action herein referred from the Superior Court of Gwinnett County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division, and respectfully shows the Court the following:

1.

Petitioner is the Defendant in a civil action brought against it in the Superior Court of Gwinnett County, Georgia and styled of Sharonna Curnell v. Travelers Personal Insurance Company, Civil Action File No. 23-A-04150-5, now pending in

said court. A copy of the Summons and Complaint in that action are attached hereto, marked Exhibit “A”, and made a part hereof. A copy of the Answer filed by Defendant in that action is attached hereto, marked Exhibit “B”, and made a part hereof.

2.

Said action was commenced by service of process consisting of said Summons and Complaint upon Defendant’s registered agent on May 19, 2023. The Summons, Complaint and Answers constitute all pleadings that have been filed in said Superior Court of Gwinnett County, Georgia as of the date of this filing of this Notice of Removal, which is timely filed within thirty (30) days of such service.

3.

There is diversity of citizenship among the parties. This is a controversy between Plaintiffs, citizens and residents of Georgia and Defendant, who is a citizen of Connecticut. Defendant is not a citizen of the State of Georgia wherein this action was brought, and its principal place of business is located at One Tower Square, Hartford, Connecticut. Accordingly, this is a civil action brought in the State Court for which this United States District Court has original jurisdiction due to diversity of citizenship.

4.

In the repair estimate submitted by Plaintiffs to Defendant, Plaintiffs seek \$62,372.17 in damages less Travelers' prior payment in the amount of \$3,838.36 totaling \$58,533.81, exclusive of interest and costs. Plaintiffs also seek damages for bad faith breach of the policy issued to Plaintiffs under O.C.G.A. § 33-4-6 in the amount of "not more than fifty percent (50%) of the liability of the insurer for the loss, or \$5,000.00, whichever is greater, and all reasonable attorneys' fees for the prosecution of the action against the Insurer." A true and correct copy of that estimate is attached hereto as Exhibit "C". Because the parties are diverse and the amount in controversy threshold is exceeded when direct and bad faith damages are combined, jurisdiction is proper under Section 1332 of Title 28 of the United States Code.

5.

Defendant has given written notice of the filing of the Notice of Removal to Plaintiffs and to the Clerk of the Superior Court of Gwinnett County, Georgia. A copy of the Notice of the filing of the Notice of Removal is attached hereto as Exhibit "D".

WHEREFORE, Defendant prays that this Petition be filed, and that said action be removed to and proceed in this Court, and that no further proceedings be had in said case in the Superior Court of Gwinnett County, Georgia pursuant to Section 1331, Title 28 of the United States Code.

This 16th day of June, 2023.

CHARTWELL LAW, LLP

/s/ Karen K. Karabinos

Karen K. Karabinos

Georgia Bar No. 423906

/s/ Kevin P. Kelly

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*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served a copy of the within and foregoing **DEFENDANT’S NOTICE OF REMOVAL TO FEDERAL COURT** upon all parties to this matter by e-filing the same with the Court’s CM/ECF filing system, which will automatically provide a copy to counsel of record as follows:

**J. Remington Huggins  
Michael D. Turner  
The Huggins Law Firm, LLC  
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[mdturner@lawhuggins.com](mailto:mdturner@lawhuggins.com)**

This 16th day of June, 2023.

CHARTWELL LAW, LLP

/s/ Karen K. Karabinos  
Karen K. Karabinos  
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*Counsel for Defendant*

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